

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL F. DERICHIE,  
Individually and as Administrator of  
the Estate of SARAH E. DERICHIE,

Plaintiff,

v.

UNITED STATES OF AMERICA, *et*  
*al.*,

Defendants.

NO. 3:19-CV-1183

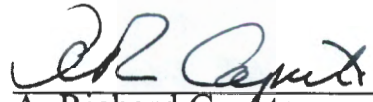
(JUDGE CAPUTO)

**ORDER**

NOW, this 3<sup>rd</sup> day of October, 2019, upon consideration of the Motion to Dismiss (Doc. 5) filed by Defendant the United States of America, and finding that Plaintiff agrees that the claim against the United States has not been administratively exhausted, (*see* Doc. 17), **IT IS HEREBY ORDERED** that the Motion to Dismiss (Doc. 5) is **GRANTED** and the claim against the United States is **DISMISSED without prejudice** for lack of subject matter jurisdiction.

**IT IS FURTHER ORDERED** that because the FTCA claim against the United States provided the sole basis for original jurisdiction over the matter, supplemental jurisdiction over Plaintiff's remaining claims is **DECLINED** pursuant to 28 U.S.C. § 1367(c)(3) and the action is **REMANDED** to the Court of Common Pleas of Lackawanna County.

**IT IS FURTHER ORDERED** that the Clerk of Court is directed to mark the case as **CLOSED**.

  
A. Richard Caputo  
United States District Judge